

TABLE 3—Continued

Delegation of award approving authority-peace-time criteria		
Commanders and principal HQDA agency officials	May award	To
Major General	LM (see note 1)	1. U.S. Army personnel assigned and attached for duty to their command or agency.
	MSM, ARCOM, and AAM	2. U.S. Navy, Marine Corps, and Air Force Personnel below brigadier general attached to their organizations (see note 2).
Brigadier General	MSM, ARCOM, and AAM	1. U.S. Army personnel assigned and attached for duty to their command or agency.
		2. U.S. Navy, Marine Corps, and Air Force Personnel below brigadier general attached to their organizations (see note 2).
Colonel	ARCOM, AAM	1. U.S. Army personnel assigned and attached for duty to their command or agency.
		2. U.S. Navy, Marine Corps, and Air Force Personnel below brigadier general attached to their organizations (see note 2).
Lieutenant Colonel	AAM	1. U.S. Army personnel assigned and attached for duty to their command.
		2. U.S. Navy, Marine Corps, and Air Force Personnel below brigadier general attached to their organizations (see note 2).

TABLE 3—Continued

Delegation of award approving authority-peace-time criteria		
Project Managers Program Managers, Product Managers, and Program Executive Officers	May award	To
Major Generals and civilian equivalent Senior Executive Service (SES).	MSM, ARCOM and AAM	Service members assigned to their projects (see note 2).
Brigadier Generals and civilian equivalent SES.	MSM, ARCOM and AAM	Service members assigned to their projects (see note 2).
Colonels and civilian equivalent General Schedule (GS) 15.	ARCOM and AAM	Service members assigned to their projects (see note 2).
Lieutenant Colonels	AAM	Service members assigned to their projects (see note 2).

Notes:

1. Major Army commanders and officials of principal HQDA agencies in the grade of Major General have authority to approve awards of the Legion of Merit, to retiring and deceased persons, other than general officers, assigned to their commands or agencies.

2. See paragraph 1–36, AR 600–8–22 for instructions on awarding Army decorations to members of the other U.S. Services.

§ 578.8 General rules.

(a) *Awards for civilian service.* Awards for DA civilians are governed by Army Regulation (AR) 672–20, Incentive Awards. AR 672–20 provides implementing instructions for incentive awards, honorary awards and devices, awards from nonfederal organizations, and medals for public service.

(b) *Posthumous awards.* Awards may be made following the death of the person being honored in the same manner as they are made for a living person except that the orders and citation will indicate that the award is being made posthumously. The engraved medal and certificate will not contain the word posthumous. Orders announcing the

award, together with the certificate, medal, citation and related documents will be forwarded to the appropriate commander for presentation. Eligible classes of next of kin are listed in the order of their precedence in § 578.2 (gg).

(c) *Interim awards and awards of a lesser decoration.* (1) To ensure that a deserving act, achievement, or service receives recognition, the appropriate authority may promptly award a suitable lesser military decoration pending final action on a recommendation for a higher award, except for retiring U.S. Army general officers. When a higher award is approved, the approving authority will revoke the interim award in the same orders published for the

higher award. The decoration will be returned by the recipient, unless the higher award is approved posthumously, in which case the next of kin will be permitted to retain both awards.

(2) The authority taking final action may award the decoration recommended, award a lesser decoration (or consider the interim award as adequate recognition), or in the absence of an interim award, disapprove award of any decoration.

(d) *Duplication of awards.* (1) Only one decoration will be awarded to an individual or unit for the same act, achievement, or period of meritorious service.

(2) The award of a decoration in recognition of a single act of heroism or meritorious achievement does not preclude an award for meritorious service at the termination of an assignment. Recommendations for award of a decoration for meritorious service will not refer to acts of heroism or meritorious achievements, which have been previously recognized by award or decoration.

(3) Continuation of the same or similar type service already recognized by an award for meritorious service or achievement will not be the basis for a second award. If appropriate, an award may be made to include the extended period of service by superseding the earlier award, or the award previously made be amended to incorporate the extended period of service.

(e) *Conversion of awards.* Awards of certain decorations (Silver Star, Bronze Star Medal, Purple Heart, and Army Commendation Medal) on the basis of existing letters, certificates, and/or orders, as hereinafter authorized will be made only upon letter application of the individuals concerned to the National Personnel Records Center (NPRC), 9700 Page Avenue, St. Louis, MO 63132-5100 (Soldiers who retired or were discharged on or after October 1, 2002 should send their requests to the Commander, U.S. Army Human Resources Command, St. Louis, ATTN: AHRC-CC-B, 1 Reserve Way, St. Louis, MO 63132-5200).

(f) *Character of service.* No decoration shall be awarded or presented to any individual whose entire service subse-

quent to the time of the distinguished act, achievement, or service shall not have been honorable. The Act of July 9, 1918 (40 Stat. 871) as amended (10 U.S.C. 1409); the Act of July 2, 1926 (44 Stat. 789), as amended (10 U.S.C. 1429).

(g) *Time limitations.* (1) Except for the provisions of 10 U.S.C. 1130 and lost awards addressed below, each recommendation for an award of a military decoration must be entered administratively into military channels within 2 years of the act, achievement, or service to be honored. Submission into military channels is defined as "signed by the initiating official and endorsed by a higher official in the chain of command."

(2) Pursuant to 10 U.S.C. 1130, a Member of Congress can request consideration of a proposal for the award or presentation of decoration (or the upgrading of a decoration), either for an individual or unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy. Based upon such review, the Secretary of the Army shall make a determination as to the merits of approving the award or presentation of the decoration and other determinations necessary to comply with congressional reporting under 10 U.S.C. 1130.

(3) To be fully effective, an award must be timely. Undue delay in submitting a recommendation may preclude its consideration. It is highly desirable that a recommendation be placed in military channels and acted upon as quickly as possible. If circumstances preclude submission of a completely documented recommendation, it is best to submit it as soon as possible and note that additional data will be submitted later. However, to ensure prompt recognition, interim awards should be considered and are encouraged as addressed above.

(4) No military decoration, except the Purple Heart and exceptions for decorations approved under 10 U.S.C. 1130, will be awarded more than 3 years after the act or period of service to be honored.

(5) These time limitations do not apply to retroactive and conversion awards made in confirmation of recognition of previously issued orders,

Department of the Army, DoD

§ 578.8

letters, or certificates or in exchange of decorations hereinafter authorized.

(6) In cases where it can be conclusively proven that formal submission of a recommendation for award was not made within the time limitations indicated above, because either the person recommending or the person being recommended was in a prisoner of war (POW), missing in action (MIA) or in a medically incapacitated status, award of the Silver Star or lesser decorations may be approved without regard to elapsed time since the act, achievement, or service occurred, that is to be honored.

(7) If the Secretary of the Army determines that a statement setting forth the distinguished act, achievement, or service, and a recommendation for official recommendation recognition was made and supported by sufficient evidence within 2 years after the distinguished service, and that no award was made because the statement was lost, or through inadvertence the recommendation was not acted upon; he or she may, within 2 years after the date of the determination, award any appropriate military decoration. In each case, the following will be provided:

(i) Conclusive evidence of the formal submission of the recommendation into military channels.

(ii) Conclusive evidence of the loss of the recommendation or the failure to act on the recommendation through inadvertence.

(iii) A copy of the original recommendation, or its substantive equivalent. As a minimum, the recommendation should be accompanied by statements, certificates, or affidavits corroborating the events or services involved. It is emphasized that the proponent must provide Commander, USA HRC (see § 578.3(c)), with adequate information for Secretarial evaluation of the deed or service to determine if an award is to be made. The person signing a reconstructed award recommendation must be identified clearly in terms of his or her official relationship to the intended recipient at the time of the act or during the period of service to be recognized.

(h) *U.S. awards to foreign military personnel.* (1) It is the Department of De-

fense (DOD) policy to recognize individual acts of heroism, extraordinary achievement or meritorious achievement on the part of service members of friendly foreign nations when such acts have been of significant benefit to the United States or materially contributed to the successful prosecution of a military campaign by Armed Forces of the United States. Such acts or achievement shall be recognized through the award of an individual U.S. decoration.

(2) U.S. campaign and service medals shall not be awarded to members of foreign military establishments.

(3) Foreign military personnel in ranks comparable to the grade of 0-6 and below, at the time the act was performed and at the time the decoration is presented, may be awarded the following decorations: Silver Star; Distinguished Flying Cross; Bronze Star Medal; or the Air Medal for valorous acts in actual combat in direct support of military operation; the Soldier's Medal, for heroic acts in direct support of operations, but not involving actual combat; and the Legion of Merit (see § 578.13 for the Legion of Merit to foreign military personnel).

(i) *Announcement of awards.* (1) Decorations and the Army Good Conduct Medal.

(i) Awards made by the President, the Secretary of Defense, and the Secretary of the Army will be announced in DA General Orders (DAGO).

(ii) Awards of decorations and the Army Good Conduct Medal made by principal HQDA officials will be announced in permanent orders.

(iii) Awards of decorations and the Army Good Conduct Medal made according to delegated authority will be announced in permanent orders by the commanders authorized to make the awards.

(2) *Service medals and service ribbons.* Service medals and service ribbons are administratively awarded to individuals who meet the qualifying criteria. Orders are not required.

(3) *Badges.* Permanent awards of badges, except basic marksmanship qualification badges, identification badges, and the Physical Fitness Badge will be announced in permanent orders

§ 578.9

32 CFR Ch. V (7-1-08 Edition)

by commanders authorized to make the award or permanent orders of HQDA.

(j) *Engraving of awards.* The grade, name, and organization of the awardee are engraved on the reverse of the Medal of Honor. The name only of the awardee is engraved on the reverse side of every other decoration, the POW Medal and the Army Good Conduct Medal. Normally engraving will be accomplished prior to presentation. When this is impracticable, the awardee will be informed that he or she may mail the decoration or Army Good Conduct Medal to the Commander, U.S. Army TACOM, Clothing and Heraldry Product Support Integration Directorate (PSID), P.O. Box 57997, Philadelphia, PA 19111-7997, for engraving at Government expense.

(k) *Presentation of decorations.* (1) The Medal of Honor is usually presented to living awardees by the President of the United States at the White House. Posthumous presentation to the next of kin normally is made in Washington, DC by the President or his or her personal representative.

(2) Other U.S. military decorations will be presented with an appropriate air of formality and with fitting ceremony.

(3) Foreign decorations will not be presented by members of the U.S. Army to designated recipients whether awardees or next of kin.

(4) Conversion awards, service medals, and service ribbons usually are not presented with formal ceremony. However, such presentation may be made at the discretion of the local commander.

(5) Whenever practical, badges will be presented to military personnel in a formal ceremony as provided in Field Manual (FM) 3-21.5. Presentations should be made as promptly as practical following announcement of awards, and when possible, in the presence of the troops with whom the recipients were serving at the time of the qualification.

(6) Presentation of the Army Good Conduct Medal to military personnel may be made at troop formations. (See FM 3-21.5.) Ceremonies will not be conducted to present the Army Good Conduct Medal to former military personnel or next of kin.

(7) The Army Lapel Button will be formally presented at troop formations or other suitable ceremonies. The U.S. Army Retired Lapel Button will be presented at an appropriate ceremony prior to their departure for retirement. These buttons may be presented to a separating soldier at the same time as the Army Good Conduct Medal and any other approved decoration.

(l) *Act of presentation.* In the act of presentation, a decoration may be pinned on the clothing of the awardee whether in uniform or civilian clothing or on the next-of-kin in the case of a presentation following the recipient's death; however, this will not be construed as authority to wear the decoration for any person other than the individual honored. As an alternative to pinning the decoration, especially on next-of-kin, it may be handed to the recipient in an opened decoration container.

§ 578.9 Medal of Honor.

(a) *Criteria.* The Medal of Honor (10 U.S.C. 3741) was established by Joint Resolution of Congress, July 12, 1962 (amended by Act of July 9, 1918 and Act of July 25, 1963) is awarded by the President in the name of Congress to a person who, while a member of the Army, distinguished himself or herself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty while engaged in an action against an enemy of the United States; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party. The deed performed must have been one of personal bravery or self-sacrifice so conspicuous as to clearly distinguish the individual above his comrades and must have involved risk of life. Incontestable proof of the performance of the service will be exacted and each recommendation for the award of this decoration will be considered on the standard of extraordinary merit. Eligibility is limited to members of the Army of the United States in active Federal military service.